



Pollinator Stewardship Council
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 832-727-9492

Sept. 15, 2016

National Freedom of Information Officer
 U.S. Environmental Protection Agency
 1200 Pennsylvania Avenue, NW (2822T)
 Washington, DC 20460

Regional Freedom of Information Officer
 U.S. EPA, Region 8
 1595 Wynkoop Street
 Denver, CO 80202-1129

Colorado Dept. of Agriculture
 Christi Lightcap, CORA Liaison
 305 Interlocken Pkwy
 Broomfield, CO 80021

FREEDOM OF INFORMATION ACT REQUEST

and

Colorado Open Records Act Policy Request

Dear EPA National and Regional FOIA Officers, and Ms. Lightcap, CORA Liaison,

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552 and the Colorado Open Records Act # COM-002 dated July 8, 2016, we hereby request all of the records pertaining to the **bee kill reported by Beth Conrey, 1617 White Water Ct, Berthoud, CO 80513, reported to the Colorado Dept. of Agriculture April 25, 2015.**

*The Pollinator Stewardship Council's mission is to defend managed and native pollinators vital to a sustainable and affordable food supply from the adverse impact of pesticides.
 The Pollinator Stewardship Council is a 501(c)(3) nonprofit organization; all donations are tax deductible, EIN 46-0811836*

We request all documents pertaining to the report, investigation, and conclusion of the investigation for the April 25, 2015 reported bee kill. *All records includes telephone notes, text messages, laboratory analysis of hive matrices, photographs, work logs, emails, investigation reports, and similar written and electronic communications relating to this April 25, 2015 bee kill incident report.*

Ms. Conrey states the following timeline of the bee kill incident:

04/23/15 Rob Alexander with Boulder County calls and says that Danny Melichar (sp?) needs to spray for alfalfa weevil. Poudre Valley Coop is going to be doing the spraying. Please block in bees. Spraying with Steward.

04/24/15 6:45 Hives blocked

04/24/15 10:30 Go to unblock hives. Applicator still spraying field. Take photos of field and applicator on rig.

04/24/15 10:24 Call Rob Alexander. Inform of label violation.

04/24/15 10:54 Rob returned call. Rob agrees there is a label violation and asks me to report on hive condition when I can get back there.

04/25/15 7:40 Call Rob Alexander at home and report bee kill on answering machine. Take photos of hives.

04/25/15 7:41 Call Rob Alexander on cell. Cannot leave message

04/25/15 8:52 Rob returns call. Informed hives heavily damaged.

04/25/15 Rob photographs hives and informs applicator

04/25/15 3:06 Applicator calls and apologizes. States he has opened a claim with the CDA and will talk to his insurance agent. Nate? 303-980-6084?

04/25/15 3:00-4:00 Returned to hives to clean out so that the bees can assume some small level of functionality. Hives a real mess. Photograph bottom boards. Collect 6.35 pounds of bees off bottom boards alone. Does not include losses in front of hives.

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This information is being sought by the Pollinator Stewardship Council (PSC) on behalf of the beekeeper, Beth Conrey, a Board member of the Pollinator Stewardship Council. This request is not being submitted for commercial purposes. Release of the information is in the public interest because it will contribute significantly to public understanding of the function and process of bee kill reporting.

The Pollinator Stewardship Council is requesting a fee waiver for this information. Below we have addressed the six required factors.

1) *“The subject matter of the requested records must specifically concern identifiable operations of activities of the government.”* The subject matter of this FOIA request specifically concerns a filed bee kill incident report with Colorado and EPA.

2) *“For the disclosure to be “likely to contribute” to an understanding of specific government operations or activities, the releasable material must be meaningfully informative in relation to the subject matter of the request.”* Through this FOIA request, the Pollinator Stewardship Council seeks information for our beekeeper Board member, and the beekeepers of Colorado as to the effectiveness, and efficiencies of bee kill incident reporting.

3) *“The disclosure must contribute to the understanding of the public at large, as opposed to the understanding of the requester or a narrow segment of interested persons.”* The investigation records will inform and advise Pollinator Stewardship Council in its work to encourage reports of such incidents by beekeepers for the vital data collected by the incidents. The investigation documents will advise Colorado beekeepers as to the process after a bee kill incident report is filed, and the investigation process. Because managed honey bees are essential to the nation’s food supply, bee kills due to pesticide exposure are a matter of concern to the public in general, not just to a narrow segment of interested persons.

4) *“The disclosure must contribute “significantly” to public understanding of government operations or activities”* At present, the requested data is not available to the public, or to the beekeeper. Hence, this disclosure will fill a currently existing data gap and will contribute to public understanding of bee kill incidents of managed honey bees.

5) *“The extent to which disclosure will serve the requester’s commercial interest, if any.”* The Pollinator Stewardship Council has no commercial interest that would be served through the granting of this request. We are a public interest, non-profit 501 (c)(3) organization whose mission involves advocacy and public education concerning the long-term viability of pollinator populations. We do not produce or sell any products or services that would benefit commercially from this request. We do support the actions and work of our members. As such we are filing this request on behalf of our Board member, Ms. Beth Conrey.

6) *“The extent to which the identified public interest in the disclosure outweighs the requester’s commercial interest.”* As discussed above, the Pollinator Stewardship Council has no commercial interest that would be served by any information provided through this request.

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Therefore, the disclosure would be in the public interest, as well as the personal interest of the injured party, Ms. Beth Conrey, beekeeper.

The Pollinator Stewardship Council prefers to receive the data in electronic format, as word documents or PDFs. If hard copy duplication is required, we agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$25. However, please notify us prior to your incurring any expenses in excess of that amount.

If our request is denied in whole or part, we ask that you justify all deletions by reference to specific exemptions of the act. We will also expect you to release all segregable portions of otherwise exempt material. We, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

We look forward to your reply within 20 business days, as the FOIA statute requires, and three working days (and no more than seven working days) according to the CORA policy.

Thank you for your attention to this matter.

Sincerely,



Michele Colopy
Program Director

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